

*IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TENNESSEE  
NORTHERN DIVISION AT KNOXVILLE*

IN RE:

**IVENS PROPERTIES, INC.,**

Case No. **13-32471**

Chapter 11

Debtor In Possession.

**JOINT MOTION FOR ENTRY OF AGREED ORDER CONTINUING HEARING AND  
SETTING STATUS HEARING**

The Debtor Ivens Properties, Inc. and the United States of America hereby jointly move the Court for entry of the attached proposed Agreed Order Continuing Hearing and Setting Status Hearing. In support of this Motion, the parties state as follows:

1. Debtor filed its voluntary Chapter 11 on July 3, 2013, and an order for relief was entered.
2. The Internal Revenue Service filed a claim assigned #2 on August 13, 2013. The Debtor objected to the claim on September 18, 2013 (docket #21). The court at the initial hearing on the objection set the disputed matter for evidentiary hearing on January 6, 2014 at 1:30 p.m. (docket #28).
3. The proof needed to resolve the claim issues requires knowledge and documents in the possession of third parties. Voluntary acquisition of the information and documents has not been successful. The debtor is proceeding to utilize the Rule 2004 examination process to subpoena the most likely individuals with knowledge of the information or possession of the required documents. One of the probable witnesses, attorney David Black, is currently out of the country in Africa on vacation.
4. Once the documents are received, the debtor will then need for its accountants to prepare amended federal tax returns for tax years 2009, 2010, 2011 and 2012. Once prepared, the debtor must then submit them to the Internal Revenue Service. The Internal Revenue Service will then decide whether and to what extent amendments to its proof of claim is appropriate.

5. Following the decision by the Internal Revenue Service, an evidentiary hearing may be unnecessary or the subjects substantially reduced.

**WHEREFORE**, the Debtor and United States move for entry of the proposed Agreed Order Continuing Hearing and Setting Status Hearing to continue the evidentiary hearing set February 14, 2014 and place the matter on the Court's uncontested motion docket for further proceedings.

Respectfully submitted,

**Ivens Properties, Inc.**

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion and proposed Order have been served upon the indicated parties by placing a copy thereof in the U.S. Mail, first class postage prepaid, via email or ECF this February 6, 2014:

United States Trustee  
VIA ECF

W. Morris Kizer, Esq.  
VIA ECF

William F. McCormick, Esq.  
VIA ECF

/s/ Michael H. Fitzpatrick  
ATTORNEY